

Christopher Harris
Adam J. Goldberg
Brett M. Neve
Nacif Taousse

LATHAM & WATKINS LLP

1271 Avenue of the Americas

New York, NY 10020

Telephone: (212) 906-1200

Facsimile: (212) 751-4864

Email: chris.harris@lw.com

adam.goldberg@lw.com

brett.neve@lw.com

nacif.taousse@lw.com

Nima H. Mohebbi (admitted *pro hac vice*)

Tiffany M. Ikeda (admitted *pro hac vice*)

Emily R. Orman (admitted *pro hac vice*)

LATHAM & WATKINS LLP

355 South Grand Avenue, Suite 100

Los Angeles, CA 90071

Telephone: (213) 485-1234

Facsimile: (213) 891-8763

Email: nima.mohebbi@lw.com

tiffany.ikeda@lw.com

emily.orman@lw.com

Counsel to the Foreign Representatives of Three Arrows Capital, Ltd.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
In re:	:	Chapter 11
	:	
Genesis Global Holdco, LLC, <i>et al.</i> , ¹	:	Case No. 23-10063 (SHL)
	:	
	:	Jointly Administered
Debtors.	:	
	:	
-----X		

**MOTION OF THE FOREIGN REPRESENTATIVES OF THREE ARROWS CAPITAL,
LTD. TO SHORTEN THE NOTICE PERIOD FOR FOREIGN REPRESENTATIVES'
MOTION FOR ENTRY OF AN ORDER MODIFYING THE AUTOMATIC STAY
PURSUANT TO 11 U.S.C. 362(d)(1) AND BANKRUPTCY RULE 4001**

Russell Crumpler and Christopher Farmer, in their capacities as joint liquidators appointed by the Eastern Caribbean Supreme Court in the High Court of Justice Virgin Islands (Commercial Division) (the “**BVI Court**”) in the liquidation proceeding of Three Arrows Capital, Ltd. (“**3AC**”) in the British Virgin Islands (the “**BVI Proceeding**”) and duly authorized foreign representatives

¹ The Debtors in these Chapter 11 Cases (the “**Debtors**”), along with the last four digits of each Debtor’s tax identification number (as applicable), are: Genesis Global Holdco, LLC (8219); Genesis Global Capital, LLC (8564); Genesis Asia Pacific Pte. Ltd. (2164R). For the purpose of these Chapter 11 Cases, the service address for the Debtors is 250 Park Avenue South, 5th Floor, New York, NY 10003.

(the “**Foreign Representatives**”), by and through the undersigned counsel, hereby submit this motion (the “**Motion**”) for entry of an order, substantially in the form attached hereto as Exhibit A (the “**Proposed Order**”), pursuant to Rule 9006(c)(1) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) and Rule 9006-1 of the Local Rules of the Bankruptcy Court for the Southern District of New York (the “**Local Rules**”), shortening the notice period to consider the *Motion of the Foreign Representatives of Three Arrows Capital, Ltd. for Entry of an Order (I) Modifying the Automatic Stay Pursuant to 11 U.S.C. 362(d)(1) and Bankruptcy Rule 4001 and (II) Granting Related Relief* [Docket No. 678] (the “**Stay Relief Motion**”).²

JURISDICTION AND VENUE

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the Southern District of New York dated January 31, 2012 (Preska, C.J.). This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2) and the U.S. Bankruptcy Court for the Southern District of New York (the “**Court**”) may enter a final order consistent with Article III of the United States Constitution.

2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

RELIEF REQUESTED

3. By this Motion to Shorten, the Foreign Representatives respectfully request that this Court enter the Proposed Order, substantially in the form attached hereto as Exhibit A, shortening the notice period with respect to the Stay Relief Motion so as to allow the Stay Relief Motion to be considered for approval at the hearing currently scheduled in the Debtors’ Chapter 11 cases on September 26, 2023, at 2:00 p.m., prevailing Eastern Time. The Foreign Representative further request, consistent with the *Order Implementing Certain Notice and Case Management Procedures* [Docket No. 44] (the “**Case Management Order**”), that an objection deadline with respect to the Stay Relief be set for September 19, 2023 at 4:00 p.m., prevailing

² Capitalized terms used but not defined in this Motion to Shorten shall have the meanings ascribed to them in the Stay Relief Motion.

Eastern Time. *See* Case Management Order, ¶ 36 (“Unless otherwise ordered by the Court, the objection deadline with respect [to motions for relief from the stay] shall be 4:00 p.m. (Prevailing Eastern Time) on the date that is seven (7) calendar days prior to the applicable hearing.”).

BASIS FOR RELIEF

4. Bankruptcy Rule 9006(c)(1) authorizes the Court, for cause shown, to reduce the notice period otherwise required for the requested relief. *See* Fed. R. Bankr. P. 9006(c)(1). Although a notice period of twenty-one (21) days would ordinarily apply to the relief requested in the Stay Relief Motion pursuant to Case Management Order, the Court may, for cause shown, shorten the time of giving notice. The Foreign Representatives respectfully submit that the reasons set forth below warrant shortening notice with respect to the Stay Relief Motion by one day.

5. The hearing on the Debtors’ proposed disclosure statement is currently scheduled for September 26, 2023 (the “**September 26 Hearing**”). As previewed before the Court, the Foreign Representatives request that the Stay Relief Motion also be heard on the September 26 Hearing, *i.e.*, with a notice period of twenty (20) days. The Foreign Representatives believe that including the Stay Relief Motion on the agenda of matters to be heard on the September 26 Hearing would be more efficient and expedient than the alternative, which would necessitate scheduling a separate hearing, very shortly following the September 26 Hearing, to consider the Stay Relief Motion as a standalone item. Furthermore, the Foreign Representatives and the Debtors are in agreement with respect to the proposed dates and relief requested herein.

6. Accordingly, the Foreign Representatives submit that there is sufficient cause to shorten notice with respect to the Stay Relief Motion by one day, as requested herein.

NOTICE

7. Notice of this Motion has been provided to (a) the Chambers of the Honorable Sean Lane, (b) the Debtors, (c) Cleary Gottlieb Steen & Hamilton LLP, as counsel for the Debtors, (d) the Office of the U.S. Trustee for the Southern District of New York, and (e) all other parties entitled to notice pursuant to Bankruptcy Rule 2002. The Foreign Representatives submit that such notice is sufficient, and no other or further notice need be provided.

NO PRIOR REQUEST

8. No prior motion for the relief requested herein has been made to this or any other court.

[The remainder of this page is left blank intentionally.]

WHEREFORE, the Foreign Representatives respectfully request entry of an order, substantially in the form attached hereto as Exhibit A, granting the relief requested herein and such other and further relief as is just and proper.

Dated: September 7, 2023
New York, New York

Respectfully submitted,

/s/ Christopher Harris

Christopher Harris

Adam J. Goldberg

Brett M. Neve

Nacif Taousse

LATHAM & WATKINS LLP

1271 Avenue of the Americas

New York, NY 10020

Telephone: (212) 906-1200

Facsimile: (212) 751-4864

Email: chris.harris@lw.com

adam.goldberg@lw.com

brett.neve@lw.com

nacif.taousse@lw.com

– and –

Nima H. Mohebbi (admitted *pro hac vice*)

Tiffany M. Ikeda (admitted *pro hac vice*)

Emily R. Orman (admitted *pro hac vice*)

LATHAM & WATKINS LLP

355 South Grand Avenue, Suite 100

Los Angeles, CA 90071

Telephone: (213) 485-1234

Facsimile: (213) 891-8763

Email: nima.mohebbi@lw.com

tiffany.ikeda@lw.com

emily.orman@lw.com

*Counsel to the Foreign Representatives
of Three Arrows Capital, Ltd.*

EXHIBIT A

Proposed Order

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
In re:	:	Chapter 11
	:	
Genesis Global Holdco, LLC, <i>et al.</i> , ¹	:	Case No. 23-10063 (SHL)
	:	
	:	Jointly Administered
Debtors.	:	
	:	
-----X	:	

**ORDER AUTHORIZING FOREIGN REPRESENTATIVES' MOTION TO SHORTEN
THE NOTICE PERIOD FOR THE FOREIGN REPRESENTATIVES' MOTION FOR
ENTRY OF AN ORDER MODIFYING THE AUTOMATIC STAY PURSUANT TO 11
U.S.C. 362(d)(1) AND BANKRUPTCY RULE 4001**

Upon the consideration of *Motion of the Foreign Representatives of Three Arrows Capital, Ltd. to Shorten the Notice Period for the Foreign Representatives' Motion for Entry of an Order Modifying the Automatic Stay Pursuant to 11 U.S.C. 362(d)(1) and Bankruptcy Rule 4001* (the "**Motion**");² and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the Southern District of New York dated January 31, 2012; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and that the Court may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Motion is in the best interests of the Debtors, their estates, their creditors and other parties in interest; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefore,

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's tax identification number (as applicable), are: Genesis Global Holdco, LLC (8219); Genesis Global Capital, LLC (8564); Genesis Asia Pacific Pte. Ltd. (2164R). For the purpose of these Chapter 11 Cases, the service address for the Debtors is 250 Park Avenue South, 5th Floor, New York, NY 10003.

² All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED to the extent set forth herein.
2. A hearing to consider the Stay Relief Motion will be held on September 26, 2023 at 2:00 p.m. prevailing Eastern Time. Any objections or responses to the Stay Relief Motion shall be filed on the Court's docket and actually received by the Foreign Representatives on September 19, 2023 by 4:00 p.m., prevailing Eastern Time.
3. The Foreign Representatives are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.
4. Notwithstanding any provision in the Federal Rules of Bankruptcy Procedure to the contrary, (i) the terms of this Order shall be immediately effective and enforceable upon its entry, (ii) the Foreign Representatives are not subject to any stay in the implementation, enforcement or realization of the relief granted in this Order, and (iii) the Foreign Representatives may, in their discretion and without further delay, take any action and perform any act authorized under this Order.
5. This Court shall retain exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation or enforcement of this Order.

Dated: _____, 2023
White Plains, New York

The Honorable Sean H. Lane
United States Bankruptcy Judge